IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1597 OF 2002
A/W
CIVIL APPLICATION NO.1598 OF 2002
AND
CIVIL APPLICATION NO.1599 OF 2002
IN
WRIT PETITION NO.6215 OF 1996

Office Notes, Office Memoranda of Coram, appearances, Court's Order or Directions and Registrar's Orders	Court's or Judge's Orders

Mr.S.M. Sabrad for Applicants
Mr.R.M. Patne, AGP, for Respondents

CORAM: H.L. GOKHALE &
SMT.NISHITA MHATRE, JJ.

DATED: SEPTEMBER 24, 2004

. Heard Mr.Sabrad in support of these three Civil Applications. Mr.Patne, Assistant Government Pleader, appears for the Respondents. All these three Applications make a grievance that by an earlier order when Petition No.6215 of 1996 was disposed of by Division Bench, certain payments were expected to be made by the Petitioners to be put in possession of the spots for the purposes of excavation of sand. The petitioners were made to deposit

much more amounts than what they were directed under the orders of the High Court. This being the position, the three applications are moved which pray that the excess amounts collected from the three applicants be refunded to them. Mr.Patne, appearing for the Respondents, has nothing much to say in defence except that because of financial stringency of the Government some proper time be given for refund of the amount.

2. Financial difficulty of the State cannot be a defence for not refunding the amounts which are admittedly collected in excess from the applicants. This apart, that will be contrary and in breach of the order passed in the earlier writ petition which order was passed after hearing the State Government.

3. In the circumstances, we allow all these three applications in terms of prayer clause (c) thereof, however, only to the

extent of directing the State Government to refund the amounts which are mentioned therein. The State will return these amounts within eight weeks from today, that is, by the end of November, 2004. In the event, the amounts are not so refunded by the end of November, 2004, the Petitioners will be entitled to claim interest @6% per annum.

4. All these three Civil Applications stand disposed of accordingly.

(H.L. Gokhale, J.)

(Nishita Mhatre, J.)